

REMARKS

Claims 1 to 15 are pending in the application, of which Claims 1 and 13 to 15 are independent. Claims 1 and 12 to 15 are being amended. Reconsideration and further examination are respectfully requested.

The Office Action rejects Claims 1, 13 and 15 under 35 U.S.C. § 112, second paragraph. More particularly, the Office Action alleges that the phrase "for use" renders the claims indefinite contending that it is unclear whether the language following the phrase is part of the claimed invention. The Office Action further alleges that the phrase implies an intended use for the invention, and that it is unclear whether the use is a "required step".

Without conceding the correctness of the rejection, and solely for the purpose of advancing prosecution, Claims 1, 13 and 15 are amended. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1, 7, 11 to 15 are rejected under 35 U.S.C. § 103(a) over U.S. Pub. No. 2002/0059095 (Cook) and U.S. Patent No. 7,110,967 (Espenes), Claims 2 to 5, 8 and 10 are rejected under 35 U.S.C. § 103(a) over Cook, Espenes and U.S. Patent No. 6,968,513 (Rinebold), and Claims 6 and 9 are rejected under § 103(a) over Cook, Espenes and U.S. Patent No. 6,868,389 (Wilkins). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 1 recites a method of tracking a user's lead with a listing service. Inquiry data is received which is related to an inquiry of the user with the listing service. A record is created as a lead to be pursued by the user using the received inquiry data, and the user's lead is stored as a lead record in a database. An action record associated with the lead record is created each time

an action in furtherance of the user's lead is identified, and the action record is stored in the database. The lead and action records comprise information to provide the user with a status of the user's lead. An interface accessible by the user is populated with information from the lead and action records and information related to the user's lead received from one or more ancillary services.

With regard to the claim preamble, the claims have been amended, and the objections raised in connection therewith are now considered moot.

In response to the Applicant's previous remarks, the Examiner concedes that Cook fails to teach or suggest lead and action records for use in providing the user with a status of the user's inquiry. The Examiner contends that Cook discloses lead and action records and that Espenes discloses providing the user with a status of the user's inquiry.

Claim 1 is amended to even more clearly distinguish the lead and action records. As amended, Claim 1 recites a method of tracking a user's lead with a listing service, the user's lead comprising a lead to be pursued by a user, storing the user's lead as a lead record, creating an action record each time an action in furtherance of the user's lead is identified, and lead and action records comprising information to provide the user with a status of the user's lead.

Cook focuses on a lead from a business' perspective, and fails to disclose providing a mechanism for tracking a lead from the perspective of the customer who makes the inquiry. Cook provides a mechanism for a business to collect and organize customer marketing data so that the business can measure a customer's interest level in goods or services, and so that the business can monitor its performance and response to a customer's inquiry. In other words, Cook provides a tool for use by a business with whom a customer makes an inquiry. In contrast

to Cook, the claimed method can be used by the customer that makes an inquiry to track a lead with a listing service as a lead to be pursued by the customer. Cook does not track a lead from the customer's perspective, and nothing in Cook teaches, suggests or discloses creating a lead to be pursued by a user from inquiry data related to the user's inquiry with a listing service. Cook does not create and store lead and action records for a user's lead. Cook further fails to teach or suggest lead and action records comprising information to provide the user with a status of the user's lead.

The Examiner considers that the "Customer Needs/Feedback Form" on the last page of Figure 2 of Cook discloses the claimed lead and action records. This, it is respectfully submitted, is incorrect. Cook's "Customer Needs/Feedback Form" is an input form designed for use by the business. From the information provided on the form, the business can decide that someone from the organization should contact the customer to address questions that the customer might have, send some detailed information to the customer, conduct a product demonstration, contact the customer to schedule an off-site meeting, or provide the customer with a free week of consulting services. The "Customer Needs/Feedback Form" is a form used by the business: (i) to receive input from a customer and (ii) determine whether and what response to make to the potential customer. Cook cannot be said to teach or to suggest a lead to be pursued by the user. Nor can it be the same as the claimed lead record, which stores the user's lead, nor the claimed action record, which is created each time an action in furtherance of the user's lead is identified.

Nothing in Cook describes a lead to be pursued by the user created using inquiry data related to the user's inquiry with a listing service. Furthermore, nothing in Cook teaches or suggests a lead record, which stores a user's lead, and/or an action record, which is created any

time an action in furtherance of the user's lead is identified, both of which comprise information to provide the user with a status of the user's lead. Cook also fails to teach or suggest populating an interface with information from the user's lead and action records and information related to the user's lead received from one or more ancillary services.

The Espenes reference fails to remedy the deficiencies noted with respect to Cook. The cited portions of Espenes focus on emails forwarded by auction sites via an email filter to auction bidders to inform the bidders when an auction is closed, and whether or not a bidder has the winning bid. Nothing in Espenes teaches or suggests a user's lead, creating a lead to be pursued by a user from an inquiry by the user with a listing service, storing the user's lead as a lead record in a database, creating an action record associated with the user's lead each time an action in furtherance of the user's lead is identified, lead and action records comprising information to provide a user with a status of a user's lead, and/or populating an interface with information from the claimed lead and action records and with information related to the user's lead received from one or more ancillary services.

The art applied against certain of the dependent claims, i.e., Rinebold and Wilkins, fails to remedy the deficiencies noted with respect to Cook. Nothing in Rinebold, and in particular the cited portions of Rinebold, teaches, suggests or discloses tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or populating an interface accessible by the user using the lead and action records, and information related to the user's initial inquiry received from one or more ancillary services.

Wilkins also fails to teach, suggest or disclose these elements. In response to the Applicant's previous remarks, the Examiner states that Wilkins "relates to the lead based concept of the present invention." Wilkins is limited in its focus to the identification of individuals that are financially capable of making, or ready to make, a purchase for direct sales and marketing organization as "intender leads." Furthermore, Wilkins focuses on leads for direct sales and marketing organizations. Wilkins fails to teach, suggest or disclose tracking a user's interaction with a listing service, let alone creating and storing lead and action records for use in providing the user with a status of the user's inquiry, and/or populating an interface accessible by the user using the lead and action records, and information related to the user's initial inquiry received from one or more ancillary services.

For at least the foregoing reasons, Claim 1 and the claims that depend from Claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons, Claims 13 to 15 are believed to be in condition for allowance.


In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should matters remain which the Examiner believes could be resolved in an interview, the Examiner is requested to telephone the Applicant's representative.

The applicants' attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 32361.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,



James J. DeCarlo
Reg. No. 36,120

Date: June 7, 2007

Customer Number 32361
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400
NY v1238424845